

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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A. C., and H. C., by their Next Friend BARBARA WEINER, :  
individually and on behalf of all others similarly situated, :  
 :  
 :  
 Plaintiffs, : 05 Civ. 2986 (TPG)  
 :  
 - against - :  
 :  
 :  
 JOHN MATTINGLY, in his official capacity as Commissioner :  
 of the New York City Administration for Children's Services, :  
 and JOHN JOHNSON, in his official capacity as Commissioner :  
 of the New York State Office of Children and Family Services, : **NOTICE OF MOTION**  
 :  
 Defendants. :  
 :  
 :  
-----X

PLEASE TAKE NOTICE that upon the Amended Complaint on behalf of the Plaintiffs A. C. and H. C., dated June 17, 2005; the Declaration of Jennifer Baum, dated June 17, 2005, and the accompanying Memorandum of Law; plaintiffs A.C. and H.C. shall move this Court before the Honorable Thomas P. Griesa, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on July 8, 2005, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order:

1. Pursuant to Rule 23(c) of the Federal Rules of Civil Procedure, certifying that the above-entitled action shall be maintained as a class action under Rules 23(b)(1)(A) and 23(b)(2) of the Federal Rules of Civil Procedure;

2. Defining a subclass of all children in New York City who are now, were on or after July 1, 2004, or will in the future be, residing in foster care with relatives who are within the second or third degree of consanguinity of their parents or stepparents; and

3. Granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Local Civil Rule 6.1(b)(2), any opposing affidavits and answering memoranda shall be served within ten business days after service of this moving paper.

Dated: New York, New York  
June 17, 2005

Respectfully submitted,

THE LEGAL AID SOCIETY  
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By: /s/  
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